



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/648,968

08/27/2003

Thomas E. Horton

D/A2288

6218

41030 7590 05/14/2008
ORTIZ & LOPEZ, PLLC
P. O. BOX 4484
ALBUQUERQUE, NM 87196-4484

EXAMINER

DHINGRA, PAWANDEEP

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/648,968	Applicant(s) HORTON ET AL.	
	Examiner PAWANDEEP S. DHINGRA	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3,5,7,12,14,16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) 2, 8-11, and 13 is/are objected to.
- 8) ☐ Claim(s) 15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/27/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: a Response to Election of Species Requirement filed on 01/25/2008.
- Claim 4 has been cancelled by the applicant in view of election of species requirement. However, examiner notes that claim 15 recites the same features as claim 4, except it's a system claim; therefore, claim 15 has been treated as non-elected and is not being examined under the merits.
- Claims 1-3, 5-14, and 16-20 are now pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the complete features of every claim, for example, claim 1: "designating an imaging order...for a plurality of objects to be rendered", "printer output device", etc.; claim 2: every feature of steps a)-d); claim 6: "photocopy machine"; claim 7: "printer, which can communicate with computer"; claim 19: "signal-bearing media"; claim 20: "transmission media and recordable media", must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

Art Unit: 2625

number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examiner Notes

Examiner cites particular paragraphs, columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 7, 12, 14, 16, 18, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrington, US 5,588,093.

Re claim 1, Harrington discloses a method, comprising: designating an imaging order associated with a imaging data stream for a plurality of objects to be rendered (see column 5, line 13-column 6, line 14), wherein said imaging order determines color quality rendering thereof (see column 5, line 17-column 9, line 24); rendering text generated by said printer output device through said imaging data stream according to a pre-determined ink color (see column 1, lines 50-64; column 6, line 32-column 7, line 56; column 8, lines 25-64); and generating, utilizing said imaging data stream, imaging separations based on an actual specified color for rendering thereof via a printer output device (see column 5, line 39-column 7, line 56; column 8, lines 25-64).

Re claim 3, Harrington further discloses applying a full color-imaging model to said imaging data stream to provide an enhanced approximation of a user-intent point of view (see column 2, lines 19-21; column 6, line 32-column 7, line 56; column 10, lines 40-48).

Re claim 5, Harrington further discloses rendering colors of more than one hue on at least a single page utilizing said imaging data stream (see column 8, line 25-column 10, line 18).

Re claim 7, Harrington further discloses wherein said printer output device comprises a printer, which can communicate with a computer (see column 4, lines 39-58).

Re Claims 12, 14, 16, 18, claims 12, 14, 16, 18 recite identical features, as claims 1, 3, 5, 7 except claims 12, 14, 16, 18 are system claims. Thus, arguments made for claims 1, 3, 5, 7 are applicable for claims 12, 14, 16, 18.

Re claim 19, Harrington further discloses wherein said imaging order module further comprises signal-bearing media (see column 10, lines 49-65, note that chip is a signal-bearing media and also the portable source code being on a signal-bearing media is both well-known and commonly used in the art).

Re claim 20, Harrington further discloses wherein said signal-bearing media further comprises at least one of the following: transmission media and recordable media (see column 10, lines 49-65, note that chip is a transmission media, and also the portable source code being on a signal-bearing media - a transmission and recordable medium is again well-known and commonly used in the art).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 17 are rejected under 35 U.S.C. 103 as being unpatentable over Harrington, US 5,588,093 in view of well known art.

Re claim 6, Harrington fails to explicitly disclose wherein said printer output device comprises a photocopy machine.

However, Official Notice is taken to note that multi-function peripherals (MFPs) or a printer output device comprising a photocopy machine are notoriously well known and commonly used in the art. It would have been obvious to include a MFP or printer with photocopy functionality as a printing system in the apparatus of Harrington for the benefit of providing increased user flexibility and options.

Re Claim 17, claim 17 recites identical features, as claim 6, except claim 17 is a system claim. Thus, arguments made for claims 6 are applicable for claim 17.

Allowable Subject Matter

Regarding claims 2 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-11 are allowable over the prior art.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, teach, or suggest the claimed inventions of (in combination with all other limitations in the claims), a) calling out all fills in an imaging data stream form resource; (b) calling out text and logo data in an imaging data stream form resource; (c) calling out all image data in an order in which such data appear and are called out from a variable data portion of said imaging data stream; and (d) referencing a plurality of logos associated with said imaging data stream as set forth in claims 2, 8, and 13. Claims 9-11 are dependent upon claim 8 and further limit the claimed invention.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP S. DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2625

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./
Examiner, Art Unit 2625

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625